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ABSTRACT

"Options in Education" is a radio program which focuses on issues and developments in education. This transcript of the show contains discussions of the Supreme Court decision on private-school desegregation, the Community College of Vermont, child abuse, and learning how to be a paralegal worker. Participants in the program include John Merrow and Wendy Blair, moderators; reporter David Ensor; Connie Capastrant, of the National Capitol Area Paralegal Association; Marjorie Walker and Larry Daloz, officials at the Community College of Vermont; and experts on child abuse. A bibliography of available source material on child abuse is included. (JM)

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THE WEEK OF DECEMBER 8

OPTIONS IN EDUCATION is an electronic weekly magazine devoted to coverage of news, features, policy and people in the field of education. The program is available for broadcast to the 181 member stations of National Public Radio.

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BLAIR: I am Wendy Blair with NPR's Options in Education.

Options in Education is a news magazine about all the issues and developments in education from the abc's of primary education to the alphabet soup of government programs. If you have ever been to school we have something that will interest you.

MERROW: This is John Merrow. On this edition of Options in Education we hear about a Supreme Court case involving "white only" schools in the South; we visit a community college that has no buildings of its own, no campus, and no permanent faculty. In our regular feature, "Learning to. . . " we discover that lots of people are learning to be paralegals, which are to lawyers what nurses are to doctors. Finally, part two of Wendy Blair's report on child abuse.

What is desegregation?

(BUTTON):

I don't know. Desegregation is when there is black kids and white kids and spanish kids in the whole big school all together.

BLAIR: Last month the Supreme Court agreed to hear a case which could mean the end of segregating, white-only private schools in this country. Since the court outlawed segregation by race in public schools back in 1954, hundreds of private, all-white schools have been set up. Each time a busing plan goes into effect in a city, a few more are established by and for white parents who feel strongly enough about segregated education to pay extra for it. This particular case is based on a seldom-used Reconstruction Era statute. Reporters David Ensor and Christopher Joyce have been covering the story for us. Here's David with their report.

ENSOR: Sandra and Curtis McCrary live in a middle class suburb of Washington D.C. Three years ago they tried to enroll their son Michael in the Bobbe School, a private nursery school near their home. All went well in the interview until Mrs. McCrary, who's white, told the school official that Michael is black. Bobbe School is not integrated, she was told. The McCrarys eventually found another school for their son, but in the meantime they went to court for the resolution of what they considered an important question: Can a private school deny admission to an otherwise qualified child because of his race?

MC CRARY: Private schools provide a service, a service of education. They are bound by minimum requirements set by the state. They are dependant upon tuition to survive from the public. By and large they use the public media, whether it is the Yellow Pages or whatever, to advertise. So they are not in fact that exclusive kind of situation that, say, a country club is, which can blackball somebody that parts their hair wrong, if they so choose.

ENSOR: Sandra McCrary whose son was turned away from a lower school because he is black. So far the lower courts have backed the McCrarys, saying private schools must accept qualified black students. But the battle continues because the school appealed, and last month the Supreme Court agreed to hear the McCrary's case, along with a parallel case involving another private, all-white school in the area. The schools both appealed to the high court after losing in the U.S. District Court, and then again at the Fourth Circuit Court of Appeals in a 5-to-4 decision. The segregation policies of the two Virginia schools are on the line, but so are the admittedly similar policies of private schools all over the Southeastern United States and elsewhere schools often refered to as "white acadamies", which have sprung up in the wake of public school desegregation. Most of the over 300

members of the Southern Independent School Association, the SISA, are segregated. The SISA has voluntarily thrown in its lot with the two Virginia schools because, according to attorney George Leonard, the issue of private school discrimination is not only crucial to the association's existence, but one that they knew would crop up in the courts sooner or later. And SISA wanted to be there and say its piece when that happened. They aren't the only interested outsiders stepping in on the case, however. The Counsel for American Private Education is filing what's called a friend-of-the-court brief in support, not of the southern schools, but of the McCrarys. The counsel reports some twelve to fifteen thousand integrated private schools, mostly church affiliated, which enroll about 90 per cent of the nation's private school students.

With such a case of characters, and such a question at stake, virtually everyone involved in elementary and secondary private education will have all eyes on Washington when the high court sits down to hear the case sometime early next year.

The arguments will revolve around two principle legal issues. The first arises out of a little known 1866 Civil Rights Act. Basically, that law guarantees blacks the same right as whites to enter into private contracts. The 1866 law has already been upheld by the Supreme Court in Real Estate cases, but this will be the first time it has looked at whether the law can apply to private schools as well.

The second issue is more fundamental: Where does the law draw the line between the Constitutional rights of parents to choose a school for their children and the rights of blacks to be free of the vestiges of slavery? Allison Brown, the attorney for the McCrarys, explains the basics:

BROWN: I believe, and I think most people who have studied the problem believe, that there is at some point a right of privacy and freedom of association, if you will, beyond which the civil rights laws do not reach. A typical example might be a fraternal order, or a really private club or certain types of associations of that nature. Now I can conceive of some kind of educational facility or educational program which might be so private as to be exempt from the civil rights laws. These schools that happen to be the defendants, the principle defendants in the case, the two schools in Northern Virginia, are by no stretch of the imagination that private in that respect. Both of them are schools that advertise in the Yellow Pages of the phone book, they circulate by direct mail advertising, and so on.

ENSOR: Might it turn out that the court will decide that these schools have to be integregated but that schools that are non-profit and are somehow differently composed than the two schools in this case can still go ahead and be segregated?

LEONARD: I don't think the profit or non-profit factor would necessarily be the determining one. But, yes, it is possible that the court might conceive of a definition and say this kind of school is covered by civil rights laws, this kind of school is not or it's exempt for some reason because of the private nature of it. I say "private" in quotation marks. But things that people used to think were private are really not as private in the Constitutional sense as some would like to believe.

ENSOR: Brown concedes that there might be some type of school which is so private that is is beyond the reach of the Civil Rights law. Attorney George Leornard thinks all of the southeastern end schools fall within that category.

LEONARD: I am convinced, at least to the point that I do believe boys study better in boys' schools. I have no knowledge about girls

whatever. But the small, the completely coherent group, the Irish studying with the Irish, this is the whole purpose of a private school. There are people who believe that this will result in a better education for their children. The question is whether or not they are entitled to try it out. It is just as much a right in the Black Muslim church to say that "no white shall ever be a member of this church", or the Moron Church to say "no Black shall ever be a member of the church," and so on down the line. Everybody can do it or say it within his own private associations, "I want to be with these people and not with those." All right. This case concerns the question of whether we lose it or not.

ENSOR: Leonard went on to say that segregation in many schools is a philosophy of education which makes the all-white acadamies better than public schools.

LEONARD: We don't have any discipline problems. We don't have any drop-oup problems. We don't have any vandlism. We have no threat. However, let me be perfectly clear, I will wager the same thing is true in the Black Muslim schools. Since 1954 in the United States it has been taken for granted that all students of whatever color, race, creed or otherwise, have precisely the same educational responsibilities, not in merely one subject but across the board in all subjects. I personally believe this to be false. But to say that today is heresy because in affect you are arguing against the one who would push them all into a single little bused school which teaches the same way to everybody, and it doesn't work. It just isn't working. You just have to look at the school averages and you will realize that we are making a real snakepit out of our schools.

ENSOR: Asked what would happen if the Supreme Court decides for the McCrarys, Leonard said it would mean an end to Indian schools, boys'schools, girls' schools or schools of any particular group. The McCrarys attorney, Allison Brown,,disagrees.

BROWN: The particular law we are dealing with is one which was adopted by Congress under the 13th Amendment which, if you will recall, freed the slaves, and it granted them certain rights. Now there is no way you can grant black people rights without saying, "these rights shall be given to black people." That is essentially what Congress did back then. Of course now we have different kinds of civil rights laws. We establish prohibitions which apply to all people in a more general way and don't run into the kinds of objections that Mr. Leonard is referring to. But I don't really think this is a problem. The Supreme Court has upheld the validity of this law in several cases now. Mr. Leonard is in effect, I think, asking, it is my guess he is going to ask the Supreme Court to undo Bresidents which it has already established.

ENSOR: In his attack on the 1866 law, Leonard maintains that the relationship between parents and private schools doesn't fit the law's definition of a contract. He says what the lower courts have done here is give Blacks a special legal status all their own.

LEONARD: Remember that the statute provides that every person shall have the same rights to contract, and I quote, "as a white man." Now, does a white man have a right to compel his admission to a club or group in law? The answer is no. It has never been so in the law. In other words, the right to contract that a white man has is not a right to compel a contract against somebody who's unwilling to do it. It takes two.

ENSOR: We don't just open our doors to any and all whites either, the private schools case claims. The schools make certain academic and financial requirements, because of which, they say, the law doesn't apply. But the 4th Circuit Court didn't buy that argument. The schools may not get federal aid, but their actual and potential clientele is

more public than private, the circuit court said.

To get a better handle on just what the 1866 law was meant to do, Leonard got hold of a copy of a 1866 Congressional Globe, the equivalent of today's Congressional Record, in which one Congressman Wilson explained that the act was not supposed to cover schools. But the courts have said it does, which leads Leonard to see a conflict between the 13th Amendment which freed the slaves and the first amendment rights to "pick your friends and preserve your privacy." Underlying all the complicated legal maneuvering, here are some very basic differences of belief.

LEONARD: We come back to something which, if I say it at all, is so fundamental that it is just unpleasant. There is an American way of life. There is a theory that we are each free, within some sphere, to make up our own minds about what we do. And the first law of a good democracy, and more or less this is one, is that you are not allowed to interfere with other people. Ultimately I suppose we may reach the state of 1984,when everything you do is told to you by a government. Now, you also arrive at such a place by a whole series of steps. First you can't do this, second you can't do that. You can't make a choice about something else. And you have seen one area after others disappear into what we might call "the friendly government," which determines to keep you out of harm's-way, if they can determine who will go to a school, then they can determine what can be taught in a school. What you are talking about now is in effect one more constriction.

ENSOR: The views of southeastern end schools attorney, George Leonard. So there the arguments. No one can predict how the Supreme Court will weigh them, particularly since it may have a new Justice, but the court will make its decision early next year. One thing both sides appear to agree on: the continued existence of segregated private schooling hangs in the balance.

BLAIR: That report was prepared by David Ensor and Christopher Joyce.

MERROW: Can you tell me what a judge is?

CHILD: A man who could throw you into jail.

MERROW: What is a police man?

CHILD: A man that can take you there.

MERROW: Okay, well, what is a lawyer?

CHILD: A man that tries to defend you so you can't go there.

MERROW: Who passes the laws in the first place?

CHILD: The robbers.

MERROW: Actually, that sixth grader doesn't have it quite right. The Congress passes the laws, not the robbers, and he left out one group, the paralegals, or legal assistants. There may be as many as 100,000 of them. Most of them are women and most are now working as legal secretaries.

WOMAN: I have always loved the law ever since I was a little girl. I think my dream has always been to go to law school and eventually I hope to go to law school.

MERROW: This is a stepping stone?

Right, yes.

MERROW: What do you do now?

I am a legal secretary right now.

MERROW: How about you? How hard is it to become a paralegal?

It is only difficult in that you have to do a lot of research. If you are working at a job and you are going to school at night you have to spend a lot of time.

MERROW: What are you going to do when you go apply for a job and the man says to you "Can you type?"

I will say no.

MERROW: Will that be a lie?

Yes.

MERROW: How come you are studying to become a paralegal?

I think that women need a skill and this seems as good a skill as any.

MERROW: Why don't you want to be a lawer?

I do.

MERROW: Well now, most men don't take this half step. Why not just take the full step?

Do you want to go into a discussion about men and women? Men are brought up to succeed in life and women are usually brought up with the idea that they will be somebody's support. I think that the question is probably a lot of women do this because they don't want to be the lawyer, they want to be the assistant because they are more comfortable with that role.

MERROW: And you?

I am not comfortable with that role.

MERROW: But you are not in law school.

No, but I will be.

BLAIR: Those are students in a paralegal training program at George Washington University here in Washington, talking with John Merrow. There are now several hundred programs across the country. teaching people to be paralegals. What the paralegals do and how they learn to do it are the subjects of this particular "Learning to . . ." which is a regular feature of Options in Education. What the paralegals actually do may depend on whether they work in the private or public sector, as Connie Capastrant, president of the National Capitol Area Paralegal Association, explains.

CAPASTRANT: A paralegal can do a variety of things. In the private sector there is even a difference there between the small firm paralegal and for instance a large anti-trust firm paralegal. In the large anti-trust firm, the paralegal may do exclusively documentation, factual research, setting up information retrieval systems, where as in the small legal firm the paralegal may have a lot of client contact, can handle divorces, the drafting of wills, doing a lot of personal injury work, that type of thing.

MERROW: It sounds as if paralegals do just about everything a lawer does.

CAPASTRANT: Just about.

MERROW: How many paralegals are there in the United States?

CAPASTRANT: The best estimates we have are between 70 and one hundred thousand.

MERROW: How does one become a paralegal?

CAPASTRANT: There is a variety of ways you can become a paralegal. Most paralegals still are trained on the job. However in the last five years there has been a tremendous growth of formal training programs. The American Bar Association estimates there may be as many as 400 training programs. No one knows for certain because they are being established constantly, largely on the community and junior college level. There is some training in 4-year colleges where you would come out with a BA, for instance, in legal administration. Also, there is training on the post-graduate level where, for instance, you would take a year or perhaps a few months of training after college. Still one other area of course is that law firms or agencies may train themselves, actually developing their own training manuals, this type of thing, after you have already got the job.

MARROW: We talked about what a paralegal does. What can't a paralegal do?

CAPASTRANT: There is actually three areas which we are prohibited by either unauthorized practice statutes or other ethical considerations. That would be: we can not appear in court. We can not accept a legal fee and we are not permited to give legal advice per say. Theoretically the supervising attorney is always responsible for the work of any paralegal.

MERROW: The term paralegal intrigues me and I guess bothers me. Legal is an adjective. Paralegal is a noun. You have told me and other people have said "don't say paralegal aid." What does the term mean though? Paralegal? Para mean along side of, derived from or under?

CAPASTRANT: We don't like the term paralegal. However the term "legal assistant" or "litigation assistant" or"paralegal assistant" none of them are desirable. We feel we need a new word but so far no one has come up with any good ideas.

MERROW: So it is hard to find a name because the field itself is so diverse.

CAPASTRANT: Right. Also we would like to find a name which indicated that the legal para professional was performing some kind of services as opposed to consistently being an adjunct to the attorney. Something like, "nurse." Nurse indicates a certain kind of service and it does not indicate, necessarily, that you are also an adjunct to a physician.

MERROW: If anybody has any ideas, let us know.

CAPASTRANT: Give me a call.

MERROW: Thanks very much. That is Connie Capastrant, who's president of the National Capitol Area Paralegal Assosication.

BLAIR: John continues his own education at Antioch School of Law, where he talks with Professor William Statsky.

MERROW: One class I went to Professor, a class of '47 students, 43 were women. Is that representative?

STATSKY: I think it is today because that is going to change. The reason that the field is populated primarily by women is that it is the women, the secretaries, who are usually women, legal secretaries, who are the individuals who know most about the field. The ranks of paralegals are to a large extent coming from the secretaries. It is the secretaries who are going into the night, for example, paralegal courses around the country. I think that is the reason. Once it is made known, as it is quickly being made known that the field can be extraordinarily challenging, frustrating but challenging and renumerative in terms of salary of salary and the like, more men are going to come in.

MERROW: That says something about our society. Once it becomes known that the field is challenging and remunerative men will apply.

STATSKY: I think that is very unfortunate. Actually, there is a more cynical reason as to why women are viewed as individuals who are primarily in this field. I don't believe it fully, but I know some individuals take this view; namely that they will be satisfied with less and they will not want to threaten a man. I gather that some people think that if a man is in the field the man will want to constantly go on further and maybe branch out on his own in some kind of a competitive venture. So, a woman is unfortunately viewed as safer. Again, that is a sad commentary, as you pointed out, in terms of how women are viewed in society. But, as I say, I think it is going to change.

MERROW: So, we can't generalize. We can't be certain about the number of people who are paralegals and neither can we be specific about the number of training programs. There may be as many as 100 to 150 training programs. And within those programs there are incredible diversities. Some are three months; some are eighteen months. Some require a Bachelor's Degree. Some refuse admission to people who have Bachelor's Degrees. So, suppose someone listening to this program would like to become a paralegal. What to do?

STATSKY: I think the thing to do first of all is to find out what programs exist in the area in which one is located. You can do that by contacting the local bar association. They sometimes have a listing of programs, training programs, in existence. I think the first thing just in terms of information is to determine what is available, go get all the brochures, sit in on some of the classes and, more importantly, perhaps, try and get some of the alumna of these courses to provide some observations of how good or bad they were. I think also what is needed is to find out if there is a paralegal association in the area. How have people become paralegals without formal education?

MERROW: Give me a quick answer to this question: Is it possible that some day paralegals might hang out their own shingle and that I could go to the paralegal guy and get advice on making a will and so forth?

STATSKY: It exists today. I mean there are many Federal agencies where you don't have to be a lawyer in order to practice before those agencies. There are in effect shingles coming up. I think the answer is yes. It is going to be a long time in coming. The bar is going to resist it feverishly. But I think that it is going to happen eventually, particularly as the image of lawyers, the kind of pricing that lawyers have and the like keeps going, the prices go up and the images go down. So, I think yes, it will happen.

MERROW: Thanks very much to Professor William Statsky of the Antioch School of Law.

BLAIR: And so, there are lots of ways to learn to be a paralegal, and there are more opportunities every day. The Federal Civil Service has approved a job clasification for a paralegal specialist which should mean even more job openings. But any day now there may be hundreds of young lawyers applying for those paralegal jobs. For example, 25 percent of the 610 new lawyers who graduated from Georgetown School of Law last year are still looking for jobs. They weren't planning to be paralegals, but economics may force them to be, for a while.

BUTTON: "Training is everything," said Mark Twain. Cauliflower is nothing but cabbage with a college education.

BLAIR: Training is the business at hand at the Community College of Vermont, a unique venture in that it has no buildings of its own, no campus, and no permanent faculty. Nevertheless, Community College of Vermont is serving 4,500 students per year. John asked college officials, Marjorie Walker and Larry Daloz what separates the approximately 250 degree-seeking students from the non-degree majority at CCV.

DALOZ: Well, the simplest distinction is that the ones in degree programs are the ones that have a reason for wanting a degree and the ones who aren't don't. That certainly implies that the contracting students, those in the degree program, do not have a college degree program; whereas a number of non-contracting students may well have college degrees ranging from an Associate level clear on up to the Ph.D's. We don't have admissions requirements or restrictions based on educational experience.

MERROW: So far we have not said anything that sets Community College of Vermone apart from anyplace else, really, I don't think, except maybe when you used the term "contracting". Larry, what do you mean when you talk about a student's contract?

DALOZ: Well, I will try to make a complicated business as simple as I can. We are known among educators as a competence-based program. What that means is simply that instead of receiving a degree when you have taken a set number of courses or been in a classroom for a certain number of hours, which is the usual way it is done, in our case an Associate Degree, 60 credits, usually that is about 20 courses in a traditional institution, you receive your degree from CCV when you have demonstrated that you can do or know a certain set number of things.

MERROW: The logical next question is: What is the certain set number of things and who sets it?

DALOZ: Okay, that depends on what you want to do. We offer degrees in three basic fields: in the human services, in administrative services, and in what we call general studies, which is kind of an umbrella program for people who have a range of interests that may be anything from environmental studies to medieval music. Each of our programs sets forth a number of what we call "competence statements," statements of required skills or knowledge which must be demonstrated in order to receive a degree. Now, the format in which one does that is the educational contract. Each student then meets with us and decides on what kind of a program, what sorts of skills and knowledge they want to develop and spends a period of time, usually in a group setting, building, developing their study plan which eventually becomes what we call a "completed contract." That identifies the skills and knowledge which they have already learned and it also identifies the skills and knowledge that they want to learn in order to receive the degree.

MERROW: Let me change the subject a little bit. Who teaches the courses at Community College of Vermont? Are you in any way different on that basis?

WALKER: Yes. We have no full-time instructional staff at all. Each

teacher is contracted for one term, usually teaching one class, occasionally two. A lot of the teachers, a great majority of them, have full-time jobs. They are practitioners, they are lawyers. Some of them are day-time teachers in other institutions. They are bankers. They are accountants. They are plumbers and housewives. We draw on,as fully as we can, the resources that are existent in the community.

BLAIR: CCV classes meet literally all over the State, in homes, businesses, churches and sometimes schools, in the evening. The most popular course, "Law for the Layperson" is taught by Kim Cheney, a lawyer and former State Attorney General.

MERROW: How would you characterize Vermont Community College or how would you differentiate Vermont Community College from the normal junior college or State college?

CHENEY: Well, the main thing is that there is no campus. You know, my class is in the local high school at night. The other thing is that the instructors are all drawn from the community, people with various skills. So that you don't get kind of a rigid structural kind of competition for either prestige among faculty or pay or even credits amongest the students. They are there because they want to learn and the instructors are there because they want to give up some of their time to be part of the community.

BLAIR: Kim Cheney, who teaches Law for the Layperson at CCV. The students at the Community College of Vermont range in age from 20 to 75. Most have been out of school for a long time.

WOMAN: Well, this is a program set up so that people who haven't been able to get a degree before can do it on their own time and work with the college and select their own program and, you know, work towards their goal.

MAN: I think the community college is geared to basically the working people, people that are older; they want to improve themselves. I think it is great.

BLAIR: CCV has always had its troubles with the established colleges and universities in Vermont, some of which felt that CCV's unorthodox approach to education would cheapen the traditional degree and take students away from the established institutions. Now there is at least a temporary peace and Peter Smith, CCV's young, optimistic and energetic president, looks ahead to new forms of cooperation and to some interesting approaches to the problem of delivering education to the people.

SMITH: I think really the future for us lies on two paths. One is devising new delivering models to deal with some of the new students that we are finding and discovering, new even for us because most of our students are people who, I guess, nationally would be called new students. We are dealing with educational clusters in small rural towns where 30 students would get together with a course leader and plan their whole educational program and have a budget to spend to buy their learning. This is an economically self-sufficient model and obviously can ebb and flow based on what the student demands are. That is one area. I see a lot of organizational change coming from our predominant form right now which is courses, independent studies, on-the-job training, et cetera.

I think the other area where I hope we can move into is the whole area of what we might call collaboration with other institutions, whether they are businesses where we have been collaborating, using facilities, people, machines, whatever, and also with other institutions of higher education, and with the high schools and vocational centers. I think productive collaborative relationships with those other institutions

will yeild more service to our students, better service to their students. I would hope we would see two, three years down the road, a lot of cross-fertilization between the campus-based colleges, both in terms of students and faculty, and physical resources in the Community College of Vermont and our community faculty and students. I think that that collaborative path is something I have a lot invested in as we go down the road the next two or three years.

BLAIR: Peter Smith, President of the Community College of Vermont.

BUTTON: "Human history becomes more and more a race between education and catastrophe," H. G. Wells.

MERROW: Last week my colleague, Wendy Blair, reported on child abuse and neglect in the United States. Part II of her reports begins with Pediatrician Annette Ficker and Federal Child Abuse Center Director Douglas Besharov, who sketch out the worse dimensions of our child abuse problem. In all, there are one million cases of abuse and neglect every year and every year 2,000 children are killed by their parents and guardians.

FICKER: Most often the ones that we have seen died have severe hear injuries and they are bleeding into their brains, subdural hematomas.

BESHAROV: We are talking about children who suffer immediate physical and mental harm because they are beaten and deprived, deprived of physical or emotional necessities.

FICKER: Recently we had a three-year old girl who had a black eye and she had a deformed right arm. Our general policy is to take X-rays of young children who we think have been abused to see if there are any new fractures plus old fractures. So, we did X-rays of her and found about 14 old fractures that she had sustained over the last three years of her life, which was her total life.

BLAIR: Child abuse is grisly and so is child neglect -- though it is less dramatic and harder to see. As one expert told me, "All we say is 'abuse, abuse, abuse,' but 95 percent of the problem is neglect, neglect, neglect." Well, we media people are guilty, too. We dwell on the horrible cases. In that way we can catch people's attention and then we can all feel angry, which is easier on the ego, than feeling scared or guilty. That way we can keep the whole subject at arm's length. It takes a lot of ego strength to face up to our child abuse problem, as a country or as a parent.

SHIRLEY: I had a problem with yelling and screaming at my kids and cursing my kids. It went on and one and on. I knew that that was wrong, but did not know how to stop it. A girl that lived downstairs from me told me she was going to call to get help -- and I asked her to. She did and Mrs. Ball of Protective Services came over and asked me if I wanted to join a group to become a better parent, and I said, "yes."

BLAIR: Shirley was ready to ask for help when that neighbor stepped in and reported her. Now, the reporting laws are different in every State. Some just say that everyone has to report if he suspects a case of child abuse. Other States designate only professional, doctors, social workers, and increasingly, teachers. In the past professionals have often felt that reporting wouldn't do much good, but this attitude is changing now, especially in schools.

BROADHURST: All of us, I daresay, face a certain amount of reluctance, but if one can focus on the child instead of one's own feelings it helps a great deal. In 35 States educators really have no choice. The law mandates that they report child abuse. It doesn't say they can think about it or they should do it if they feel like it. It says they must. The Federal law is going to mandate that in every State.

BLAIR: Diane Broadhurst, Montgomery County, Maryland. The Federal Center on Child Abuse is circulating a model law to all the States that spells out legal immunity for all people who report child abuse. Immunity is important because without it you could be sued by an angry parent for defamation of his character. At present some States give blanket immunity to all who report, but others spell out immunity for those mandated to report but do not explicitely say that everyone is immune from law suit. Until that blanket immunity is adopted everywhere, I have been told that no judge is going to allow a damage suit against someone reporting in good faith whether he is a professional or not. The laws are just inconsistent here. The fact that Federal money goes only to States with immunity provisions should make the States shape up.

On the other hand, you can definitely be sued for not reporting child abuse. In San Diego a few years ago, one parent sued two doctors and a hospital for failing to report severe abuse by the other parent who had custody of the child. The child suffered permanent brain damage as a result. The doctor's insurance company settled out of court for $1 million. So, professional or non-professional, you need to know what your State reporting laws are and find out whom to report to.

In Maryland, Project Protection is trying to educate teachers enough to be able to report. Here's coordinator of that project, Diane Broadhurst:

BROADHURST: If you are a teacher in Maryland, the law is very clear and it is very simple. You pick up the phone, you report your suspicions either to the local Department of Social Services or to the police. What you do then is make what the law calls a non-accusatory report. You report that you suspect a child may have been abused or neglected. You do not say, "I think that Mrs. Jones is an abusive mother" or that "Mr. Jones has beaten Johnny." You say, "I think Johnny may have been abused for these reasons. Will you investigate?"

BLAIR: Let me just also say that your County is either famous or notorious for being really very wealthy.

BROADHURST: That is true, yet in our experience we find that the abusive and neglectful families cross every kind of socio-economic barrier you would care to mention. We have white families, Black families, poor families, rich families, families in between, any educational level or anything else you would care to mention. There is no one profile that we can say "It occurs only here and no other place."

BLAIR: That is really remarkable. I want to stress that because I have a feeling that we think of it predominantly a problem of poverty.

BROADHURST: Perhaps it is more important to think about child maltreatment as a function of stress. Stresses can happen in any family. They may be more stresses in a poor family, but the stresses may be just as great in a wealthy family. No, it is not a problem of just the poor family; it is a problem of every family.

BLAIR: Is there a profile of a child who is in danger of maybe being abused that teachers can be trained to look for?

BROADHURST: We think that there are a number of signs that teachers should be alert to, things that they should look for. Among these are, for example, a series of injuries, a child who comes in every week with something new. Black eyes are not all that common in small children. A child who has repeated black eyes is worth taking a second look at. The child who one week has a broken finger or the next week has massive bruising or another time has the black eyes that I have mentioned, is also worth taking a second look at. The child who has bizarre injuries. For example, human bite marks are extremely bizarre and a child is unlikely to get that kind of injury in regular sibling play. The child who has round cigarette burns in unusual places on the body, perhaps the soles of the feet or the palms of the hands, these, too, are unlikely to have occurred accidentally. The explanation of the injuries may be improbable or incongruent. There may be no explanation offered whatever either on the part of the child or the parent. All of these children it is worth looking at a second time -- what's wrong here.

BLAIR: Diane Broadhurst, Montgomery County, Maryland.

A very different district, in working-class Brooklyn, New York, District 18, is running another model project that trains one specialist in each school to whom teachers report and then makes that person the link between the school, the family, and the outside help. The Brooklyn planners decided that merely informing people about the reporter laws wouldn't do much good. Teachers won't report unless they are sure that concrete help is going to come for a child. This project involves the whole Brooklyn community, social service agencies, hospitals, volunteer groups. School reporting has increased from eight cases in 1973, to 162 cases in 1975. Often younger pre-school children have been found absued in the home after one school child was investigated. Already there is a growing literature about signs to look for in the school-aged child who may be at risk and we will list some sources in our transcript.

Experts in child abuse are carefully trained not to over-react. Here's a police sergeant, Robert Sequin.

SEQUIN: You know, you don't want to get paranoid. You don't want to feel that just because a child has a bruise or a broken bone or something that it is abused. We don't want teachers who deal with groups of children to file children in in the morning and check each one to see if there is any bruises, no. Well, it is obvious. If a child is being beaten to the point where it has got bruises and welts and neglected to the point where it is falling asleep in class and has tattered clothing, it is going to be pretty obvious.

BLAIR: D. C. Police Sergeant Robert Sequin.

There are still some places where nothing much helpful happens when suspected child abuse is reported. But there should be fast investigation of a child's home and a quick decision whether to remove him from the home, at least temporarily, for his safety. Sometimes a child can be hospitalized for treatment or protection, or placed in a foster home. But pediatrician Annette Ficker says that good foster homes are very hard to find everywhere.

FICKER: And especially foster homes who are able to handle special kind of children because an abused child can be a difficult child to handle because they too have learned that the way to handle any problem or frustration is through aggression. Sometimes then they have a hard

time getting along with other children. They can cause problems in a foster home and a foster mother may then decide she just can't handle it and the child has to be sent to another foster home.

In the District of Columbia it has been admitted by the social service department, the Department of Human Resources, that once a child goes into foster care, that they are there for an average of five to seven years. We don't know how many different homes that means. This is very, very detrimental to a child who can't put his roots anywhere. He almost doesn't want to get into a good relationship. Children are smart. They know these things subconsciously, because they don't want to be hurt tomorrow when they are moved to another home.

BLAIR: Annette Ficker, Professor at Pediatrics at the George Washington University in Washington.

Because we are learning that poor foster care can devastate the child's growth, the policy increasingly is to keep a child in his family, if at all possible. This means giving that family help -- all kinds of it. Professionals use a team approach now to try to bolster up that battered family -- sometimes in the form of money or emergency housing, if the family has been evicted, as is often the case. Often a child-battering episode comes at a time of family crisis, a death, illness, or unemployment. And the family can use all kinds of practical help; day care, lessons in shopping and cooking and caring for infants, as well as alchohol and drug addiction programs and psychotherapy. Every locality has different problems and needs to figure out what those problems are.

Child abusers are often people who themselves were abused as children and they marry people with the same problems. The national organization, Parents Anonymous, encourages parents to get together and help one another.

SHIRLEY: There is no laughing. We all have the same problem. We don't want the responsibility of our children and that is where it is at, plus we were abused as children.

BLAIR: Shirley chairs a Parents Anonymous group in Arlington, Virginia. The National Center on Child Abuse has helped fund this group. Here's Director Douglas Besharov.

BESHAROV: Parents Anonymous is another one of those very promising programs that we are looking at very carefully. Broadly speaking, what Parents Anonymous does, is it provides a non-stigmatizing--and that is very important--atmosphere where parents, usually mothers, but also fathers, can share with each other their problems and gain from that mutual sharing a common strength. They are available to each other for counselling and support. They are available on 24-hour call.

SHIRLEY: We get together once a week for two hours and we talk. We have a girl there. She's 32, I think. She must be a lady. She is a psychiatric nurse. She knows just what to ask and when to ask it, to draw the things out that you don't want to talk about that hurt.

BLAIR: This therapeutic process of unlearning is long and difficult for a parent. Far better to learn correctly in the first place.

BROADHURST: The schools can also play another very important role which is perhaps to break into the cycle of abuse from one generation to another by teaching our students who are, after all, tomorrow's parents, how to avoid the problem to begin with.

BLAIR: In other words, long-term prevention. It is easier said than done, maybe. Project Protection in Maryland aims to teach children specifically about child abuse in class, in hygiene or civics or psychology courses. Curriculum planner, Maxwell Howard, says that to

start with teachers have to be very carefully trained.

HOWARD: Of course, we will begin with a selected group of teachers who are very interested and very keen in teaching this. They themselves must internalize this and become completely familiar with it. And also we will have working with them a psychologist who will be able to alert them in how to handle any kind of problem that might arize in the classroom in teaching this.

BLAIR: Tell me what the curriculum is like.

HOWARD: The subject, I mean the title of it is "Understanding Child Maltreatment." It is not a clinical approach. It is not trying to teach kids how to recognize child maltreatment. That is a professional area. But we are wanting them to develop a sympathetic understanding of the people who are involved in it to give them some self-perceptions of their own potential to be a part of it. We try to let them understand the underlying causes.

BLAIR: This imaginative curriculum being planned by Maxwell Howard in Maryland includes a unit on dealing with stress in the family. The hope of these model programs is that they will have some preventative impact over the long term. Of course, it is not easy for a teacher to help a student really understand child abuse without instilling a morally superior or a punitive attitude.

Looking at the severely-beaten bodies of young children is very, very hard to deal with. The usual reaction is to lash out in rage at somebody. And yet our whole culture has an ambivalent attitude toward violence and corporeal punishment that we should try to be more honest about when we are discussing child abuse. I have heard people say that sometimes schools can be as much a part of the problem as the solution in child maltreatment. Then they go on and talk about corporeal punishment. Certainly I, as an ex-teacher, have known some pretty tough punitive teachers and some of them believe in rapping more than the knuckles.

BROADHURST: I am sorry to say I know that to be true. I am very proud to say that Montgomery County for years has not permitted corporeal punishment. We now have, of course, the recent Supreme Court ruling which allows corporeal punishment in the schools. The ruling disturbs me in a lot of ways, particularly because it says a school may corporeally punish a child with or without parental permission so long as all other reasonable things have been exhausted. I am afraid I really would like to know who decides what is reasonable. The Supreme Court decision disturbs me in another way. I think we all assume that the child is going to be disciplined by a teacher using the flat of her hand on the child's bottom. I don't think we can make that assumption. Is a weapon going to be used? Where is the child going to be struck? With what force? It raises a lot of questions for me.

BLAIR: Diane Broadhurst, Montgomery County, Maryland. That's the schools. Child abuse, by definition, occurs in the home, at the hands of parent or guardian. No court has ruled on corporeal punishment in the home. Limits on corporeal punishment seem to depend on the wisdom of the parent.

SHIRLEY: I got stiff as a board. My hands were clinched into fists. My face got red. I called my kids the dirtiest names that I could think of. It was just like it wasn't me; that it was anger.

I hit my oldest daughter three or four times in the same spot in the arm in about ten minutes at different occasions, you know, between that time, and left a bruise on her. I was so mad. What I should have done was send her to her room and got her out of my

way for a few minutes.

SHIRLEY: And I got satisfaction out of it.

BLAIR: Psychologist Thomas Kaleida, who works in the D. C. Childrens Hospital Child Abuse Team, says many parents aren't as aware as Shirley is.

KALEIDA: I think there are very few parents in the United States who refrain from hitting their child. Sometimes it happens that a parent gets carried away with his anger and perhaps hits the child more than he or she originally intended to do. So that I don't really see a child-abusing parent as that much of an aberration. The particular philosophy of parenting that is prevalent in the United States incorporates a lot of capital -- or corporeal punishment.

BLAIR: Interesting slip.

CALEIDA: Interesting slip.

BLAIR: Professor David Gil has written a book, "Violence Against the Child" in which he argues in part that corporeal punishment teaches violence, including future child abuse. Dr. Gil spoke on the phone from Brandeis University.

Dr. Gil, do you think that corporeal punishment really is part of child abuse somehow?

GIL: Of course it is, and only barbarous people would use force against weak children.

BLAIR: But this is America and 1975. Here's Judge James H. Lincoln, who has presided over many cases of child abuse and child neglect in Wayne County, Michigan.

LINCOLN: It is a very complex situation. To make general statements doesn't give very much understanding to your audience.

BLAIR: I know.

LINCOLN: People look on them, the general public, and tend to say, "Are these people monsters?" and so forth. If you want to describe a person who will batter their child, go look at your neighbor nextdoor. They may fit the thing. They have two hands, two arms, two eyes. They may be very personable, but they could have a hell of a hang-up.

BLAIR: And the last word to Douglas Besharov, National Center on Child Abuse in the Department of Health, Education, and Welfare. How do you help people understand that in all of us there are seeds of beating a kid up?

BESHAROV: Well, you encourage people to write about it, you talk about it to people with tape recorders like you and you try to maintain an open spirit about it. It is not that easy, but we are talking about moving a whole society of our child-rearing patterns. That is not so easy.

BLAIR: For Options in Education, I am Wendy Blair.

MERROW: If you would like to know more about the problems of child abuse, there are a number of publications and organization to know about. A list of resources is attached to the transcript of this program. If you would like a transcript, send 50 cents to Options in Education, 2025 M Street, North West, Washington, D. C., 20036. If you want a transcript of Parts I and II of this report on child abuse, send $1. Cassettes are available, too, at $4 each.

CHILD ABUSE RESOURCE LIST:

The National Center for Child Abuse & Neglect, Office of Child Development, HEW, Director, Douglas Besharov, P.O. Box 1182, D.C. 20013. (See Public Law 93--247, 93rd Congress, S.1191, Jan. 31,1974)

The Education Commission of the States, Child Abuse Division, Director C.D. Jones. ESS is developing a policy guide and training plan for schools and teachers. Plans to meet at the end of 1975 and begin a nation-wide project.

Three model education programs have OCD grants.
(a) Project Protection, Montgomery County Public Schools, Md. Office of Human Resources, Child Protection Coordinator, 301 East Jefferson Street, Rockville, Md. 20850, tel. 301-279-1512.
Director: Diane Broadhurst
Publications: Children Today, May-June Vol.4#3, "Project Protection: A School Program," by Diane Broadhurst.
Elementary School Guidance and Counseling Journal, Nov.-Dec. 1975, "Policy Making: First Steps for Schools in the Fight Against Child Abuse and Neglect", by D. Broadhurst.
Childhood Education, Dec. 1975, "Project Protection: What One School System is Doing About Child Abuse and Neglect," by D. Broadhurst.
(b) Brooklyn School District 18, Model Child Abuse Program. Mr. Nathan Gross, Deputy Superintendent, School District 18, 545 Utica Avenue, Brooklyn, N.Y. 11203
(c) Consortium C, 1750 Sea Mist, Huston, Texas 77008. Attention: Stuart B. McKenty, Director of Project LIFT A FINGER. Tapes and slide programs for administrators, teachers, students and PTA groups explaining legal, historical & psychological facts about child abuse.

* Montgomery County has an excellent paperback Proceedings, Project Protection Child Abuse and Neglect Conference and Workshops, September, 1974.

The American Humane Association, 303-771-1300 a national organization of Child Protection associations; Children's Division Director: Dr. Vincent DeFrancis, P.O. Box 1266, Denver, Colorado 80201. The AHA has over 100 leaflets, pamphets and books and a bibliography.

The National Committee for the Prevention of Child Abuse, Attention Ms. Donna Stone or Ms. Susan Harris, Suite 510, 111 East Wacker Drive, Chicago, Ill. 60601. This group concentrates on public awareness: a speakers bureau, a media campaign, a complete bibliography of literature on child abuse, a national directory, and now an advocacy programs. Tel. 312-565-1100.

The National Center for the Prevention and Treatment of Child Abuse and Neglect, Department of Paediatrics, U. Colorado Medical School. Director, Dr. C. Henry Kempe. Tel 303-321-3963.

PARENTS ANONYMOUSE National Office, 2810 Artesia Blvd., Redondo, California 90278

Maryanne Stein, Attorney; D.C. Child Advocacy Center, 1712 N. Street, N.W., 3rd floor, Washington, D.C.

WRITTEN MATERIAL

(a) Violence Against the Child, David Gil, Harvard U. Press, 1970. Gil is Professor of Social Institutions, Brandeis University Graduate School.

Christian Science Monitor, five-part article, October 21-25, 1974, by David Mutch, Staff correspondent.

CHILD ABUSE RESOURCE LIST:

(c) Child Protection Report, A biweekly national news letter on programs to prevent child abuse and neglect, 1301 20th Street, N.W., Washington, D.C. 20036, tel. 202-785-4055.

(d) Violence Against Children and American Tragedy, Namoi Feigelso Chase, Holt, Rinhart, Winston, 1975.